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HIGH COURT OF CHHATTISGARH, BILASPUR

W. P. No. 2118/2005

PETITIONER

Shyam Lal s/o Bhaiyalal, aged about 38 years, Caste Harijan (SC), r/o village Tendua, Tahsil Baikunthpur, Distt. Korla (C.G).

Versus

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Panchayat Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G).
2. Collector, Distt. Korla (C.G).
3. Sub-Divisional Officer (Revenue) Baikunthpur, Distt. Korla (C.G).
4. Chief Executive Officer, Janpad Panchayat, Baikunthpur, Distt. Korla (C.G).
5. Sarpanch, Gram Panchayat Tendua, Tahsil Baikunthpur, Distt. Korla (C.G)
6. Ganesh Prasad Rajwade, r/o village Tendua, Tahsil Baikunthpur, Distt. Korla (C.G)

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri D.N. Prajapati, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer, for the State/
Respondents no.1 to 3.

None for respondent No.4.

Shri B.L.Dembra, counsel for respondent no.5.

Smt. Renu Kochar counsel for respondent no.6.

**ORAL ORDER
(23.11.2007)**

SUNIL KUMAR SINHA, J

Heard.

The petitioner is aggrieved with the order dated 11.5.2005 passed by Collector, Korla, Baikunthpur in Appeal No.3-B/121/2003-2004, (Annexure P-1). The said appeal was filed against the order dated 08.6.2004 passed by the Sub-Divisional Officer (Revenue), Baikunthpur in Revenue Case No.283/B-121/03-04 by which the Sub-Divisional Officer, after upholding



the contention of respondent no.6 set aside the appointment of the petitioner to the post of Panchayat Karmi and directed the concerned Gram Panchayat to complete the process of appointment of Panchayat Karmi within a period of one month as per the guidelines given in Panchayat Karmi Yojna. The Sub-Divisional Officer recorded his finding on two counts. Firstly, he held that Gram Panchayat has not adopted proper procedure to pass the resolution for appointment of the petitioner and the resolution so pressed into motion was bad in law. He also set aside the appointment of the petitioner on the ground that respondent no.6 who was earlier holding the post of Panchayat Karmi was not given an opportunity of hearing before his such removal from the said post, therefore, on the one hand removal of respondent no.6 was bad in law and on the other hand, the appointment of petitioner was also bad in law. It is on these grounds, the appointment of petitioner was cancelled and the Gram Panchayat was directed to initiate the process of appointment and to complete the same within a period of one month.

Against this order, the petitioner filed the aforesaid appeal before the Collector and on 22.6.2004, an order of status quo was granted in favour of the petitioner. Thereafter, the matter was taken up for final hearing and ultimately the impugned order dated 11.5.2005 was passed by the Collector and the appeal filed by the petitioner was dismissed confirming the order passed by the Sub-Divisional Officer. While passing the order, the Collector observed that during the pendency of the appeal, respondent no.6 was appointed as Panchayat Karmi but he was not given charges of Secretary etc. as an effect of the stay order granted by the said authority, therefore, there is no necessity for interference with the order passed by the Sub-Divisional Officer

A perusal of the order passed by the Collector would show that the Collector has not assigned any reason regarding upholding the order passed by the Sub-Divisional Officer and he has simply stated that there is no necessity of interference with the order and the appeal is dismissed. Therefore, it is clear that the order of Collector has not been based on any reasoning



and a simple approval of the order passed by the S.D.O. has been done by him. It is a basic principle that an order must be supported by the reasonings and if the order is unreasoned the same cannot be sustained in the eyes of law. Reasons are alive links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at. Failure to give reasons amounts to denial of justice **[Please see Alexander Machinery Dudley Ltd., Vs. Crabtree (1974 LCR 120) reference available in AIR 2003 SC 1462 at page 1467.]**

In view of the above, when the order of Collector has been passed without assigning any reason, I deem it appropriate to set aside the order and remit the matter back to the Collector for rewriting the order after giving a fresh opportunity of hearing to both the parties.

Accordingly, the petition succeeds. The impugned order dated 11.5.2005 passed by the Collector in case of 3-B/121/2003-2004 is quashed. The matter is remanded to the collector for passing a fresh reasoned order after giving opportunity of hearing to all the parties afresh.

There shall be no order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Rao